

Utah Air Quality Board Meeting

March 14, 2007

Final Minutes

**I. Call to Order**

Ernest Wessman called the meeting to order at 1:36 PM

Board Members Present:

Nan Bunker, Jim Horrocks, Dianne R Nielson, Craig Petersen, Steve Sands, Darrell Smith, Kathy Van Dame, and Ernest Wessman.

Executive Secretary:

Richard W Sprott

Board Members Excused

Stead Burwell, Wayne Samuelson, and Don Sorensen.

**II. Date of the Next Air Quality Board Meeting**

The next board meeting will be held Wednesday April 4, 2007

Looking ahead a tentative meeting has been set for Wednesday May 2, 2007. All present members plan to attend with the exception of Dianne Nielson, and Kathy Van Dame who have conflicting schedules.

**III. Recognition of Board Members**

Mr. Sprott recognized John Veranth for his outstanding service to the Air Quality Board throughout his eight years of service.

**IV. Approval of the Minutes for February 7, 2007 Board Meeting**

- Jim Horrocks made the motion to approve the minutes as presented to the board, Kathy Van Dame seconded. The motion carried unanimously.

**V. Discussion and Possible Election of Board Chair and Vice Chair.**

Following some discussion members of the board agreed they feel it is best to gain a better understanding of their responsibilities on the board before electing someone into the chair and vice chair positions.

- Craig Petersen made the motion to wait until May's board meeting to elect board Chair and Vice Chair positions. Kathy Van Dame seconded the motion. Motion carried unanimously.

**VI. Final Adoption: Amend R307-210, Stationary Sources; Amend R307-220, Emission Standards: Plan for Designated Facilities and Add New Section IV, Plan for Mercury Emissions at Coal-Fired Electric Generating Units; Add New Rule R307-224, Mercury Emission Standards: Coal-Fired Electric Generating Units; and Add New Rule R307-424, Permits: Mercury Requirements for Electric Generating Units.**

Mr. Reiss gave a brief history on these rules, stating that on November 1, 2006 the Utah Air Quality Board released for public comment a designated facilities plan (DFP) as well as four other proposed rules making actions to address mercury emissions at coal-fired electric generating units (EGU). This suite of rules primarily addressed Utah's participation in the EPA's Clean Air Mercury Rule (CAMR).

The CAMR is structured as a national cap & trade program for mercury emissions with a two tiered reduction in these emissions that takes the nation from 48 tons per year to 38 tons per year down to 15 tons per year. Our state plan must demonstrate that beginning in 2010 mercury emissions from all effected EGUs will fit within mercury budgets that are allocated to the State of Utah under the CAMR.

Beyond the national cap & trade program also in this suite of rules is R307-424 which includes state only provisions that establish minimum performance criteria for existing EGUs and require offset for potential increases in mercury emissions. It is the primary intent of Utah's package to see that mercury emissions from EGUs within the State of Utah are set on a downward trend.

With that background Mr. Reiss gave a little more detail on what the members of the board were being asked to take into consideration. Again these rules were taken to public comment in November, and Utah Division of Air Quality (UDAQ) received some constructive feedback from a number of interested parties, and changes were made to the rules proposed. As a result, we feel the rules we have proposed before the board today are better than those we had proposed back in November.

As for Utah's participation on the national cap & trade program the UDAQ received several comments, both for and against our participation. We feel each of those sentiments had some merit although we still recommend Utah does participate in the national cap & trade program.

- After some discussion Jim Horrocks made the motion that the rules be approved as amended and presented by UDAQ Nan Bunker seconded. The motion carried by a seven (7) to one (1) vote with Kathy Van Dame voting against.

**VII. Proposed for Public Comment: Amend R307-130-4.**

UDAQ proposed to amend R307-130-4 to remove the word "not" from the first sentence. It is a typographical error placed in the rule sometime in the past.

- Nan Bunker moved to send the rule to public comment, Steve Sands seconded. Motion carried unanimously.

**VIII. Five-Year Reviews: R307-101, R307-110, R307-320, R307-325, R307-326, R307-327, R307-328, R307-335, R307-340, R307-341, R307-342, and R307-343**

Mr. Carlile gave a brief background on the rules and the need for the five year review. He Stated that a five year review does two things a.) determines if the agency still has the legal authority for the rule, and b.) to determine if the rule is still necessary.

The above listed are rules UDAQ has reviewed and feels are still required and necessary. We are recommending that the Board continue the rules by approving the attached forms. After that, they will be filed with the Division of Administrative Rules.

Mr. Horrocks asked how to go about having the wording of the rule changed and if that had to wait until the rule was proposed for public comment, in a separate rule making. Mr. Carlile's said that the previous action item was an example.

Ms. Van Dame asked about a statement in response to comments on R307-110, "Utah intends to monitor this research [regarding- highly reactive VOC's]..." After some discussion, Dr. Nielson suggested that a progress report could be given on this topic to the Board.

- After further discussion Craig Petersen made the motion to approve the five year reviews as proposed to the board, Nan Bunker seconded. Motion carried unanimously.

**IX. Five Year Reviews: R307-220, R307-221, R307-222, and R307-223.**

Mr. Carlile explained that this group of rules is focused on designated facility plans. The Division is recommending that the Board continue the rule by approving the attached forms. After that, they will be filed with the Division of Administrative Rules.

- Kathy Van Dame made the motion to approve the reviews as proposed to the board, Nan Bunker seconded. Motion carried unanimously.

**X. Decision on Recommendation of Hearing Officer for A-1 Restoration Appeal**

Reports have been prepared and presented to the board, Chris Stephens stated that he has reviewed the findings and believes that they are appropriate. He thanked everyone, especially the hearing officer, for seeing this through to a satisfactory conclusion.

Mat Hernandez A-1 Restoration stated that his company has received the report and concurs with the hearing officer's findings. Although, he would like to ask the question for clarification "Does the regulation call for point counting?" "Point counting is part of regulation, states it in black and white, we believe that DAQ should follow their regulations too, that's it."

- Jim Horrocks motioned that the board approve the recommendation from Ernie Wessman dated February 26, 2007 concerning A-1 Restorations notice of violation, Darrell Smith seconded. Motion carried unanimously.

**XI. Informational Items**

**A Compliance. Presented by Bryce Bird**

No questions

**B HAPS. Presented by Robert Ford**

No questions

**C Monitoring. Presented by Bob Dalley**

Mr. Dalley updated the board on the latest air monitoring data.

**D Mr. Sprott updated the board on climate change and green house gas issues, as well as the Blue Ribbon Council.**